

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD K. WILLIAMS and WAYNE B. GRABOWSKI

Appeal No. 2003-2169
Application 09/792,667

ON BRIEF

Before OWENS, KRATZ and TIMM, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

ON REQUEST FOR REHEARING

The appellants request reconsideration of our decision mailed January 5, 2004 wherein we affirmed the rejection of claims 1-3 over the combination of Kakumoto and Agahi.

The appellants argue that the board did not refute the appellants' argument in the reply brief (page 2) that "nowhere do Agahi et al. teach or suggest how the 'dirccctional'[sic] nature of the deposition is obtained", but, rather, stated, in essence, that the appellants also have not disclosed how to obtain the

directional deposition (request, page 2). The appellants rely upon their figure 13E for a clear and enabling disclosure of how the directional nature of the deposition is obtained. See *id.*

What the appellants' figure 13E shows is that the electric field is pointed in the direction of deposition. That figure, however, as well as the remainder of the appellants' disclosure, does not disclose any particular technique for orienting the electric field in the desired direction. Instead, as pointed out in our decision (page 5), the specification merely states that plasma-enhanced chemical vapor deposition machines, which are commercially available, preferably are used for the process, and that the directional deposition also can be obtained by sputtering (page 20, lines 6-22). As we pointed out in our decision, because these are the same techniques used by Agahi to obtain directional deposition predominately on horizontal surfaces (col. 7, lines 52-58), "it reasonably appears that Agahi's electric fields, like those of the appellants, are 'oriented directionally' as that term is used by the appellants" (page 5).

As argued by the appellants, "[a] person of skill in the art would know how to adjust the equipment to obtain the electric field described in the above-quoted passage and in Fig. 13E"

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(request, page 2). Likewise, one of ordinary skill in the art would have known how to adjust Agahi's plasma-enhanced chemical vapor deposition and sputtering equipment such that the electric fields are oriented so as to provide Agahi's directional deposition predominately on horizontal surfaces (col. 7, lines 52-58).

We have reconsidered our decision in response to the appellants request but, for the above reasons, we decline to make any change to the decision.

DENIED

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TERRY J. OWENS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
PETER F. KRATZ)	
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	
CATHERINE TIMM)	
Administrative Patent Judge)	

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